

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GALE FORCE NINE LLC,

Plaintiff,

v.

WIZARDS OF THE COAST LLC,

Defendant.

NO. 2:20-cv-01700-RAJ - BAT

**ORDER GRANTING MOTION
FOR RECONSIDERATION**

Before the Court is Plaintiff Gale Force Nine LLC's ("GF9") motion for reconsideration of report and recommendation (Dkt. # 7) issued on November 19, 2020, dismissing GF9's Motion for Temporary Restraining Order for failure to comply with Rule 65's requirements. Dkt. # 9.

Pursuant to LCR 7(h) motions for reconsideration will ordinarily be denied absent a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence. GF9 maintains that manifest error occurred because it served Defendant one hour after it filed its motion. GF9 has now provided a declaration certifying that its Motion for Temporary Restraining Order was served on November 20, 2020. Dkt. # 10, p. 2.

At the time the Report and Recommendation was entered, the Court had no such

1 proof of service. However, the Court invited GF9 to describe in its objections whether it
2 had met those restrictions. Dkt. # 7, p. 3. GF9 has now shown compliance with Rule
3 65(b)(1) and Defendant has filed a notice of opposition to GF9's motion for temporary
4 restraining order. Dkt. # 8 (*see also* Docket Entry 11/20/20 requiring correction of this
5 filing).

6 Accordingly, the Court rescinds the Report and Recommendation (Dkt. # 7) and
7 Order Adopting (Dkt. # 11). A briefing schedule for the motion for temporary restraining
8 order will issue under separate Order.

9 DATED this 20th day of November, 2020.

10
11 
12

13 The Honorable Richard A. Jones
14 United States District Judge
15
16
17
18
19
20
21
22
23